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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DONALD M. BIRD,

11 Plaintiff,

No. CIV S-04-1938 DFL JFM PS

12 vs.

13 MAGISTRATE GREGORY
14 G. HOLLOWS,

15 Defendant.

ORDER

16 _____/
17 Plaintiff, proceeding pro se, filed the above-entitled action. The matter was
18 referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

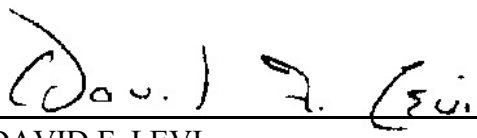
19 On April 22, 2005, the magistrate judge filed findings and recommendations
20 herein which were served on the parties and which contained notice to the parties that any
21 objections to the findings and recommendations were to be filed within ten days. No objections
22 to the findings and recommendations have been filed.

23 The court has reviewed the file and finds the findings and recommendations to be
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
25 ORDERED that:

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- 1 1. The findings and recommendations filed April 22, 2005, are adopted in full;
- 2 2. Defendant's February 11, 2005 motion to dismiss is granted;
- 3 3. This action is dismissed; and
- 4 4. Defendant's February 28, 2005 motion to declare plaintiff to be a vexatious
- 5 litigant is denied.

6 DATED: 6/9/2005

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10 DAVID F. LEVI
United States District Judge

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